



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 45**

COMMON ADDRESS OF LOTS TO BE REZONED:

1700,1716,1720,1724 South 25<sup>th</sup> Street Terre Haute, IN 47803

Current Zoning: 1700,1716,1720:C-1 Neighborhood Commerce 1724:R-1 Single Family Residence

Requested Zoning: All to a C-2 Limited Community Commerce

Proposed Use: 9,100 SF Single Story Dollar General Building (mercantile)

Name of Owner: 1700,1716,1720: Frederick and Kathy Huber 1724:Sharon Mangum

Address of Owner: Frederick and Kathy Huber: 99 Woodbine Dr. Terre Haute, IN 47803  
Sharon Mangum: 1724 South 25<sup>th</sup> Street Terre Haute, IN 47803

Phone Number of Owner: Mr. and Mrs. Huber (812)877-0231 Ms. Mangum (812)201-9498

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: \_\_\_\_\_

Council Sponsor: \_\_\_\_\_

\_\_\_\_\_

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

**FILED**

SEP 11 2012

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 45, 2012**

**CITY CLERK**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as  
"Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute,  
Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the  
"Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps,  
be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of  
Indiana, to-wit:

**SEE ATTACHMENT A**

Commonly known as: 1700,1716,1720,1724 S. 25<sup>th</sup> ST. Terre Haute, Vigo County Indiana 47803

Be and the same is hereby established as a C-2 Limited Community Commerce, together with all rights  
and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases  
provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same  
shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its  
approval by the Mayor and publication as required by law.

Presented by Council Member, Robert All

Passed in Open Council this

11<sup>th</sup>

day of

October

, 2012

ATTEST:

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this

12<sup>th</sup>

day of

October

2012

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this

12<sup>th</sup>

day of

OCTOBER

, 2012


Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

This instrument prepared by: Derrick Goodman , 8436 W. CR 400 N Sullivan, IN 47882, 812-572-4293.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

 PROJECT ENGINEER  
<Name & title>

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Frederick & Kathy Huber, Sharon Mangum, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

SEE ATTACHMENT A

Commonly known as: 1700,1716,1720,1724 South 25<sup>th</sup> Street, Terre Haute, Indiana 47803.

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as 1700,1716,1720: C-1 Neighborhood Commerce 1724: R-1 Single Family Residence.

Your petitioner would respectfully state that the real estate is now 1700:Vacant 1716:Rental 1720: Rental House 1724:Homeowner. Your petitioner intends to use the real estate to Dollar General Store, single story mercantile building 9,100SF.

Your petitioner would request that the real estate described herein shall be zoned as a C-2 Limited Community Commerce. Your petitioner would allege that the Limited Community Commerce. would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-2 Limited Community Commerce of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 10 day of September 2012.

BY:

  
Frederick J. Huber

  
Kathryn L. Huber

  
Sharon L. Mangum

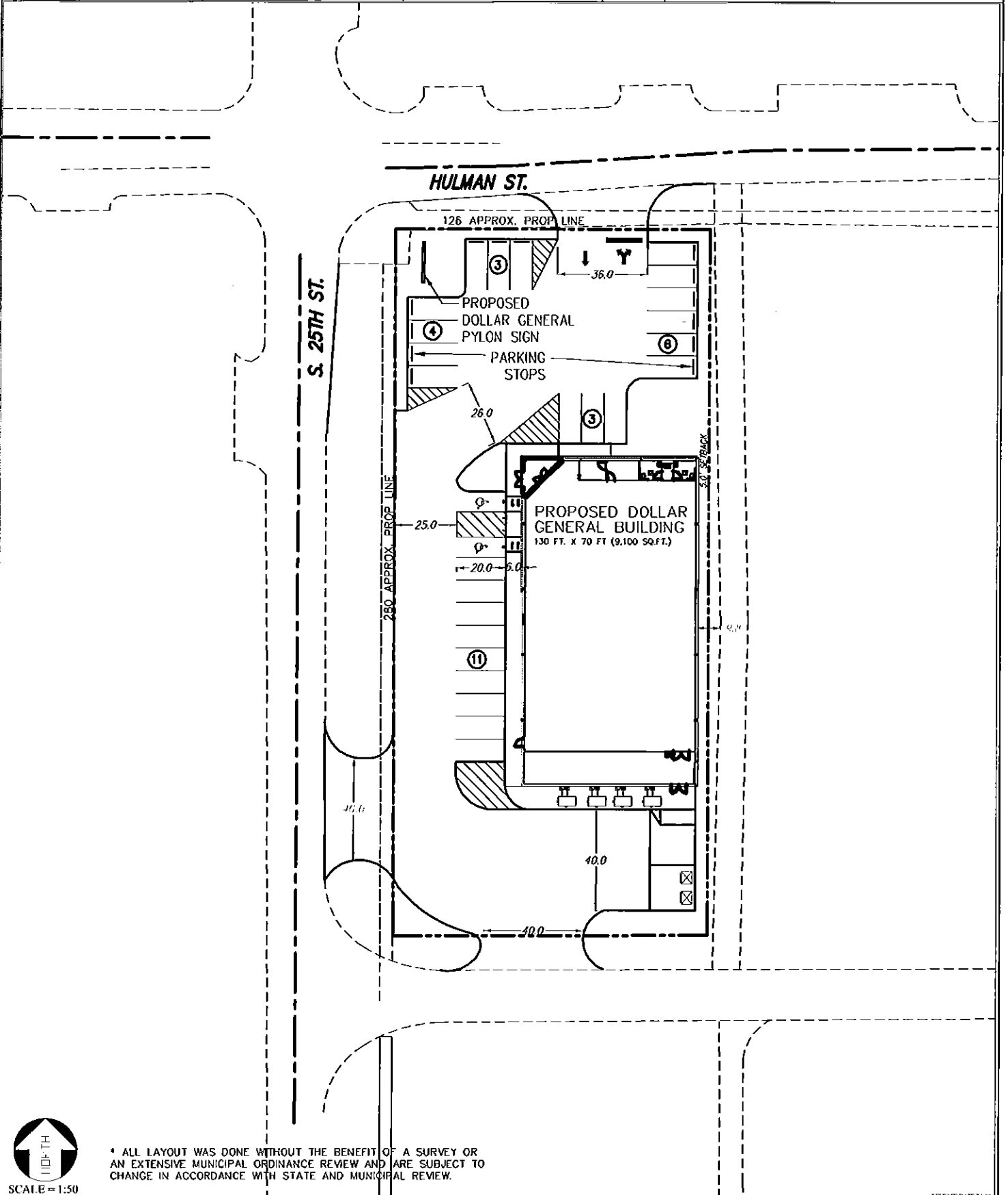
PETITIONER: Frederick and Kathy Huber: 99 Woodbine Dr. Terre Haute, IN 47803 and Sharon Mangum: 1724 South 25<sup>th</sup> Street Terre Haute, IN 47803.

This instrument was prepared by: Derrick Goodman, 8436 W CR 400 N Sullivan, IN 47882, 812-572-4293.

# PRELIMINARY SITE PLAN

CITY, STATE - STREET:  
TERRE HAUTE, IN - E. 25TH & HULMAN

PROTOTYPE:	F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	9100/7389	COMPANY: FOSTER BUILDERS, INC	COMPANY: FOSTER CONSULTANTS LLC	08-17-12
ACREAGE:	0.809±	NAME: SCOTT A. FOSTER	NAME: MARK H. FOSTER	
PARKING SPACES:	27	PHONE #: (812) 572-4293	PHONE #: (574) 248-0408	



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

OCT 18 2002

*James W. Gambill*  
VIGO COUNTY AUDITOR

JKW Date 10/18/2002 Time 12:07:18  
Mitchell Newton 1P  
Vigo County Recorder  
Filing Fee: 14.00  
I 200229427 Page 1 of 1

## WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Fred A. Hickman, Jr., of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Conveys and Warrants unto Frederick J. Huber and Kathy L. Huber, husband and wife, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Parcel I Lots 1 and 2 in Indian Acres, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West Quarter of the North East Quarter of Section 35, Township 12 North, Range 9 West.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

Grantor, Fred A. Hickman, Jr., acquired title to the above described real estate with his wife, Constance J. Hickman, as tenants by the entireties and they were continuously husband and wife from the time they took title to said real estate until the death of Constance J. Hickman on June 10, 1998, as appears from Vigo County Death Record 102, Page 655.

IN WITNESS WHEREOF the above referred to Frederick A. Hickman, Jr. has hereunto set his hand and seal, this 18 day of October, 2002.

*Fred A. Hickman, Jr.* (SEAL)  
Frederick A. Hickman, Jr. *Fred A. Hickman, Jr.*

STATE OF INDIANA, VIGO COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 18th day of October, 2002, personally appeared Frederick A. Hickman, Jr., and being first duly sworn, stated that the representations therein contained are true, and acknowledged the execution of the annexed Deed to be his voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

10.04.04

My County of residence is:

Vigo Co.

*Kimberly S. Clark*  
Notary Public  
*Kimberly S. Clark*  
Type written or printed name of notary



THIS INSTRUMENT WAS PREPARED BY: Carroll D. Smeltzer, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 541 Wabash Avenue, Terre Haute, IN 47807. Note: In preparing this instrument, preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: Frederick J. Huber 88 Woodbine Dr. Terre Haute IN

U:\USER\RECEPT\Angel\Real Estate\Cds\Deeds\Huber\Frederick and Kathy  
9/13/02  
alb

47803

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

MAR 19 2004

*James W. Edwards*  
VIGO COUNTY AUDITOR

RAYMOND WATTS  
VIGO County Recorder IN  
IN 2004004652 ND  
03/19/2004 14:36:52 1 PGS  
Filing Fee: \$14.00

## WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT Paul E. Martin and Jerri H. Martin, husband and wife, of Clay County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Convey and Warrant unto Frederick J. Huber and Kathryn L. Huber, husband and wife, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lots 3 and 4 in Indian Acres, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West Quarter of the North East Quarter of Section 35, Township 12 North, Range 9 West.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Paul E. Martin and Jerri H. Martin have hereunto set their hands, this 19 day of March, 2004.

Paul E. Martin Jerri H. Martin  
Paul E. Martin Jerri H. Martin  
STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 19th day of March, 2004, personally appeared Paul E. Martin and Jerri H. Martin and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

January 12, 2011

My County of residence is:

VIGO

Jacqueline M. Waddy  
Notary Public  
Jacqueline M. Waddy  
Typewritten or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: Carroll D. Smelizer, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. Note: In preparing this instrument, preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: 99 Woodbine, Terre Haute, In. 47803

C:\lotus\work\wordpro\network down files\LTIC\Huber

3/8/04

aad

FIRST FINANCIAL BANK  
Attn: Commercial Loan Department  
P.O. BOX 540  
TERRE HAUTE, IN 47803-0540

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

SEP 29 2000

*James H. Gambill*  
VIGO COUNTY AUDITOR

EGA Date 09/29/2000 Time 10:47:35  
Mitchell Newton 1P  
Vigo County Recorder  
Filing Fee: 14.00  
I 200015441 D 445/6852

# WARRANTY DEED

90320000747

THIS INDENTURE WITNESSETH, THAT Carl N. Miller, III and Terri L. Miller husband and wife for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY and WARRANT unto Matthew M. Higginbotham, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lot 5 and 20 feet off the North side of Lot 6 in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a Subdivision of part of the North West quarter of the North East quarter of Section 35, Township 12 North Range 9 West.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Carl N. Miller, III and Terri L. Miller have hereunto set their hands and seals, this 26<sup>th</sup> day of September, 2000.

*Carl N. Miller, III* (SEAL)  
Carl N. Miller, III

*Terri L. Miller* (SEAL)  
Terri L. Miller

STATE OF INDIANA, VIGO COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 26<sup>th</sup> day of September, 2000, personally appeared Carl N. Miller, III and Terri L. Miller and they acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: May 15, 2005

My County of residence is: CLAY

*Cindy Miller*  
Notary Public  
*Cindy Miller*  
Typewritten or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: Ronald E. Jumps  
Ronald E. Jumps, Attorney, Cox, Zwerner, Gambill & Sullivan, 511 Wabash Avenue, Terre Haute, IN 47807

MAIL TAX STATEMENTS TO: 1720 So 25<sup>th</sup>, TERRE HAUTE, IN 47803

*Woman*



74-246

6859

986

WARRANTY DEED

THIS INDENTURE WITNESSETH:

That WAYNE MILBOURN and MARY I. MILBOURN, husband and wife, of Vigo County, State of Indiana, CONVEY AND WARRANT to SHARON L. MANGUM of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County in the State of Indiana, to-wit:

Lot 7, and 20 feet off the South side of Lot 6, in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West quarter of the North East quarter of Section 35, Township 12 North, Range 9 West.

IN WITNESS WHEREOF, The said Grantors above named WAYNE MILBOURN and MARY I. MILBOURN, husband and wife, have hereunto set their hands and seals, this 30th day of June, 1989.

Wayne Milbourn  
Wayne Milbourn

Mary I. Milbourn  
Mary I. Milbourn

STATE OF INDIANA, VIGO COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 30th day of June, A.D. 1989, personally appeared the within named Wayne Milbourn and Mary I. Milbourn, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Carolyn S. Poff  
Carolyn S. Poff  
Notary Public

My Commission Expires: September 6, 1992

My County of Residence: Vigo

This Instrument Prepared by Buena Chaney, Mann, Chaney, Johnson, Goodwin & Williams, N.W. Corner, Sixth & Ohio Streets, Post Office Box 1643, Terre Haute, Indiana 47808-1643.

RECEIVED FOR RECORD THE 5 DAY OF July 1989 AT 2:45 O'CLOCK PM  
DULY ENTERED FOR TAXATION  
RECORD 418 PAGE 986 JUDITH ANDERSON, RECORDER  
July 5 1989

**AFFIDAVIT OF:**

COMES NOW affiant Frederick J. & Kathryn L. Huber

and affirms under penalty of law that affiant is the owner of record of the property located

at 1700, 1716, 1720 S. 25<sup>th</sup> St. Terre Haute, IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

FREDERICK J. HUBER      KATHRYN L. HUBER  
[Typed name of owner(s) on deed]

SIGNATURE:

Frederick J. Huber

SIGNATURE:

Kathryn L. Huber

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo Co., IN

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 10 day of Sept., 2002.

Notary Public:

Vickie L. French  
[Typed name] Vickie L. French



My Commission Expires: 2-17-2017

My County Of Residence: Vigo

**AFFIDAVIT OF:**

COMES NOW affiant Sharon L. Mangum

and affirms under penalty of law that affiant is the owner of record of the property located

at 1724 S. 25<sup>th</sup> Street Terre Haute, IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

SHARON L. MANGUM  
[Typed name of owner(s) on deed]

SIGNATURE: Sharon L. Mangum

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo Co., IN

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

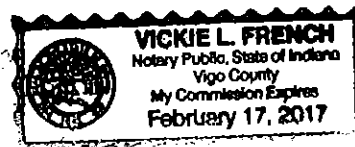
WITNESS my hand and notarial seal, this 10 day of Sept., 2002.

Notary Public:

Vickie L. French  
[Typed name] Vickie L. French

My Commission Expires: 2-17-2017

My County Of Residence: Vigo



## **ATTACHMENT A**

### **Legal Descriptions**

**Owners: Frederick & Kathy Huber** 1700 South 25<sup>th</sup> Street Terre Haute, IN 47803

Parcel I Lots 1 and 2 in Indian Acres, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West Quarter of the North East Quarter of Section 35, Township 12 North, Range 9 West.

**Owners: Frederick & Kathy Huber** 1716 South 25<sup>th</sup> Street Terre Haute, IN 47803

Lots 3 and 4 in Indian Acres, an addition to the City of Terre Haute, Indiana, being a subdivision of part of the North West Quarter of the North East Quarter of Section 35, Township 12 North, Range 9 West.

**Owners: Frederick & Kathy Huber** 1720 South 25<sup>th</sup> Street Terre Haute, IN 47803

Lot 5 and 20 feet off the North side of Lot 6 in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a Subdivision of part of the North West quarter of the North East quarter of Section 35, Township 12 North, Range 9 West.

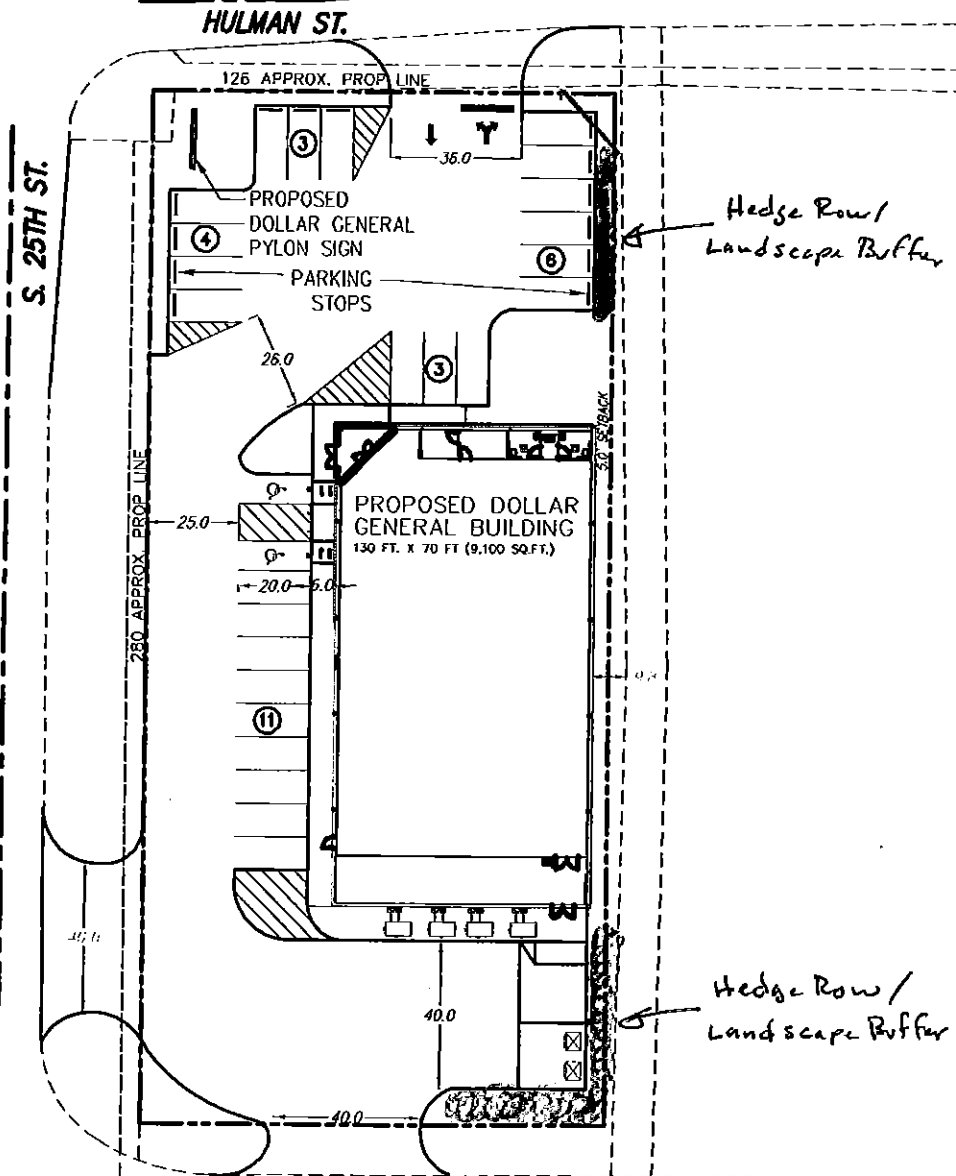
**Owner: Sharon Mangum** 1724 South 25<sup>th</sup> Street Terre Haute, IN 47803

Lot 7, and 20 feet off the South side of Lot 6, in Indian Acres, an Addition to the City of Terre Haute, Indiana, being a Subdivision of part of the North West quarter of the North East quarter of Section 35, Township 12 North, Range 9 West.

# ELIMINARY SITE PLAN

CITY, STATE - STREET:  
TERRE HAUTE, IN - E. 25TH & HULMAN

PROTOTYPE:	F	DEVELOPER	DESIGNER	DATE:
BLDG SALES SF:	9100/7389	COMPANY: FOSTER BUILDERS, INC	COMPANY: FOSTER CONSULTANTS LLC	08-17-12
ACREAGE:	0.809±	NAME: SCOTT A. FOSTER	NAME: MARK H. FOSTER	
PARKING SPACES:	27	PHONE #: (812) 572-4293	PHONE #: (574) 248-0408	



\* ALL LAYOUT WAS DONE WITHOUT THE BENEFIT OF A SURVEY OR AN EXTENSIVE MUNICIPAL ORDINANCE REVIEW AND ARE SUBJECT TO CHANGE IN ACCORDANCE WITH STATE AND MUNICIPAL REVIEW.

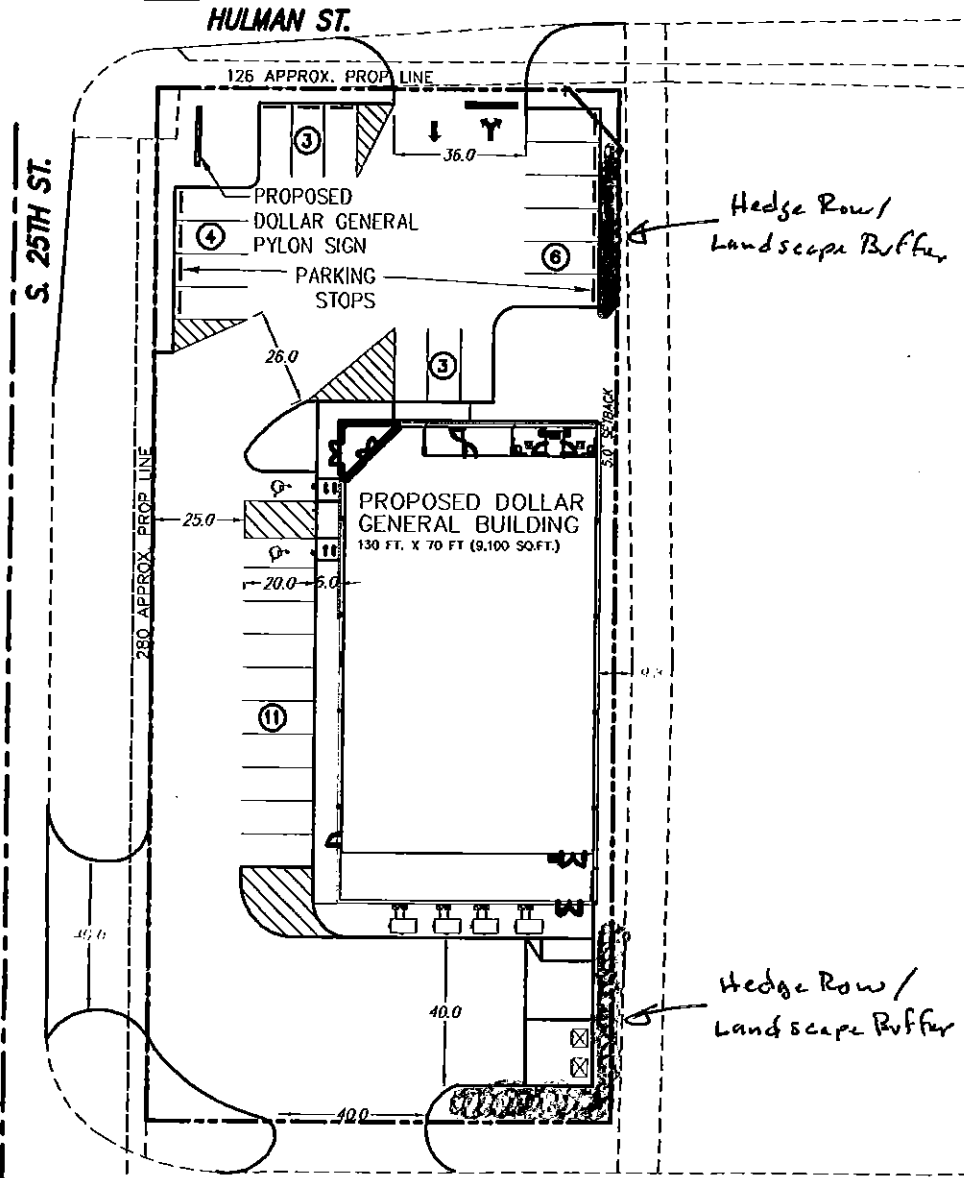


SCALE = 1:50

# PRELIMINARY SITE PLAN

CITY, STATE - STREET:  
TERRE HAUTE, IN - E. 25TH & HULMAN

PROJECT TYPE:	F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	9100/7389	COMPANY: FOSTER BUILDERS, INC	COMPANY: FOSTER CONSULTANTS LLC	08-17-12
ACREAGE:	0.809±	NAME: SCOTT A. FOSTER	NAME: MARK H. FOSTER	
PARKING SPACES:	27	PHONE #: (812) 572-4293	PHONE #: (574) 248-0408	



SCALE = 1:50

\* ALL LAYOUT WAS DONE WITHOUT THE BENEFIT OF A SURVEY OR AN EXTENSIVE MUNICIPAL ORDINANCE REVIEW AND ARE SUBJECT TO CHANGE IN ACCORDANCE WITH STATE AND MUNICIPAL REVIEW.



**TERRE HAUTE**  
A LEVEL ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: October 4, 2012

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #45-12

CERTIFICATION DATE: October 3, 2012

TO: The Honorable Common Council of the City of Terre Haute

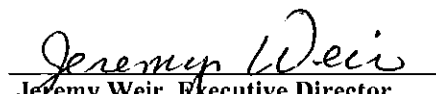
Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 45-12. This Ordinance is a rezoning of the property located at 1700, 1716, 1720, 1724 South 25<sup>th</sup> Street. The Petitioner, Fred and Kathy Huber and Sharon Mangum, Petitions the Plan Commission to rezone said real estate from zoning classification C-1 and R-1 to C-2, Community Commerce District, for Dollar General Building. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 45-12 at a public meeting and hearing held Wednesday, October 3, 2012. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 45-12 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 45-12 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 45-12, was FAVORABLE WITH THE FOLLOWING CONDITION: The Petitioner must submit a parking lot landscaping plan which needs to include fencing and vegetative plantings.

  
Fred L. Wilson, President

  
Jeremy Weir, Executive Director

Received this 4th day of October, 2012

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-12  
Date: October 3<sup>rd</sup>, 2012

Doc: # 47  
Page 1 of 4

### APPLICATION INFORMATION

Petitioner: Foster Builders, Inc.

Property Owner: Frederick & Kathy Huber owners of  
1700, 1716, and 1720 South 25<sup>th</sup> Street  
Sharon Mangum owner of 1724 South 25<sup>th</sup> Street

Representative: Louis F. Britton

Proposed Use: 9,100 SF Single Story Dollar General Building (mercantile)

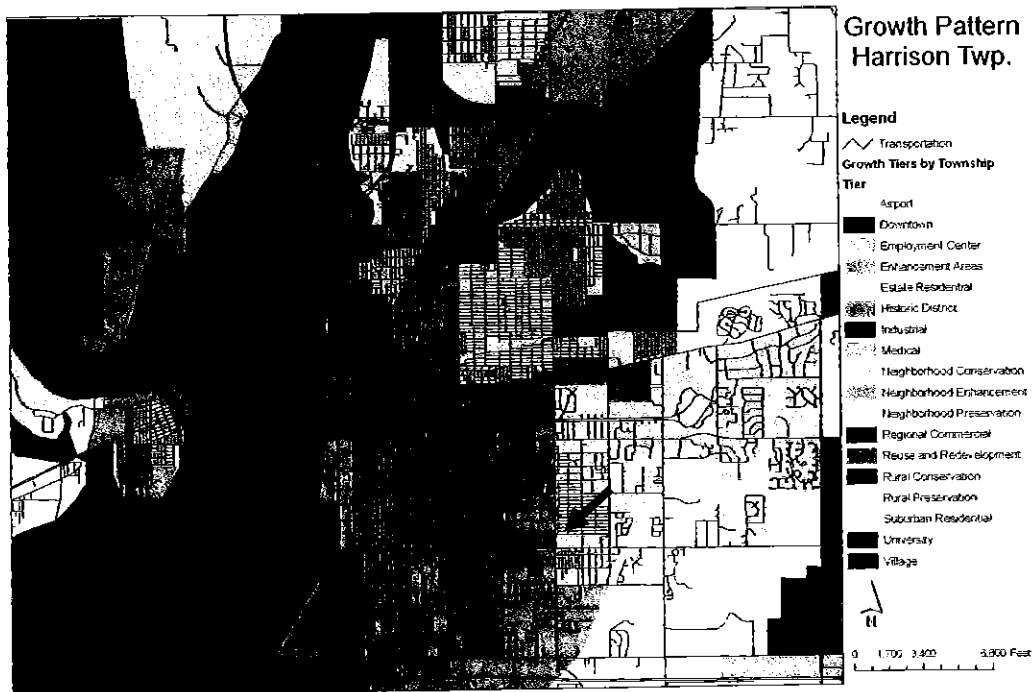
Proposed Zoning: C-2, Limit Community Commerce District

Current Zoning: C-1 neighborhood Commerce District, and  
R-1, Single-Family Residence District

Location: The petition includes all the property fronting South 25<sup>th</sup> Street  
from Hulman Street south to Idaho Street.

Common Address: 1700, 1716, 1720, and 1724 South 25<sup>th</sup> Street, Terre Haute, IN

### COMPREHENSIVE PLAN GUIDANCE





## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-12

Doc: # 47

Date: October 3<sup>rd</sup>, 2012

Page 2 of 4

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Service Area: The City of Terre Haute

Recommended Use: Neighborhood Conservation

- Allow for a range of housing densities based on the zoning ordinance.
- Allow for a mix of uses, focusing on neighborhood and community serving commercial nodes.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.
- New retail activities in an area should contribute to the diversity and variety of retail uses in a commercial node.
- With respect to existing commercial “strips” – i.e. narrow bands of commercial uses occupying major roadway frontage, containment and limitation of future expansion of the commercial frontage is strongly advised.
- Improved landscaping, improved pedestrian amenities, and increase attention to lighting, signage, and impacts upon nearby residential areas is advised in the review of development petitions.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Access to the site will be available from Hulman Street (Primary Collector), South 25<sup>th</sup> Street (Secondary Arterial), and Idaho Street (local Level).

Dev. Priority: The petitioned property has a high priority for new development, because it is located and identified as a commercial node.

## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2, Neighborhood Commerce District  
R-3 PD, General Residence District Planned Development  
R-1, Single-Family Residence District  
**East** – R-1, Single-Family Residence District  
**South** – R-1, Single-Family Residence District  
**West** – C-1, Neighborhood Commerce District  
C-2, Neighborhood Commerce District  
R-1, Single-Family Residence District

Character of Area: There is a sound housing stock that surrounds this commercial node at the intersection of Hulman Street and South 25<sup>th</sup> Street. The proposed mercantile store will offer additional goods that enhance the drawing power of the node.

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## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 45-12

Doc: # 47

Date: October 3<sup>rd</sup>, 2012

Page 3 of 4

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Contig. Uses & Zones: The property will be contiguous to commercial zoning C-1, C-2 and uses to the north and west of the petitioned site. Residential zoning is contiguous to the east and south. The housing stock of these abutting neighborhoods is sound and well maintained.

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## ZONING REGULATIONS

- C-2 Purpose:** The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.
- C-2 Uses:** Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photos tatting establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)
- C-2 Standards:** Minimum Lot Size: 3,300 Sq. Ft.  
FAR 0.9 %  
Street Setback: 55 feet from centerline;  
Rear setback 11’;  
Setback buffer of 50’ buffer at right angles along the interior property lines when adjacent to Residential or a Setback of 5’ when adjacent to other uses.  
Mortuary/Crematorium  
One (1) space per thirty-two (32) square feet of area in parlor and assemble rooms/
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STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

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## **FINDINGS and RECOMMENDATION**

- Staff Findings:** The proposed use and rezoning request is in view with the existing development trends of the commercial node. The comprehensive plan calls for Neighborhood Conservation areas to allow for a mix of uses that that will improve and strengthen neighborhood and community serving commercial nodes. The Comprehensive Plan also encourages neighborhoods to develop a unique sense of place, but still be part of the larger city.
- Recommendation:** Staff offers a Favorable Recommendation, with the condition: the petitioner submitted a parking lot landscaping plan. The plan needs to include fencing and vegetative plantings.